



PATENT
ATTORNEY DOCKET NO.: 049128-5006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|------------------------------------|---|---------------------------|
| In re Application of: |) | |
| Joo Soo LIM et al. |) | Confirmation No.: 2174 |
| |) | |
| Application No.: 09/840,082 |) | Group Art Unit: 2871 |
| |) | |
| Filed: April 24, 2001 |) | Examiner: Qi, Zhi Qiang |
| |) | |
| For: LIQUID CRYSTAL DISPLAY DEVICE |) | Mail Stop PETITION |
| AND FABRICATING METHOD |) | |
| THEREOF |) | |

Mail Stop PETITION
Commissioner for Patents
Alexandria, VA 22314

Sir:

PETITION UNDER 37 C.F.R. § 1.181 and MPEP § 711.03(c)(I)(A)
TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION

This is a petition under 37 C.F.R. § 1.181 and MPEP § 711.03(c)(I)(A) that the supervisory authority of the Commissioner be invoked to withdraw any holding of abandonment and to re-open prosecution in the above-referenced application.

On November 6, 2006, Applicants' representative received a Notice of Abandonment dated November 3, 2006, indicating that the above-identified application was abandoned because a decision by the Board of Patent Appeals and Interferences was rendered on August 25, 2006, and because the period for seeking court review of the decision had expired. However, upon review of the records of Applicants' representative, Applicants respectfully submit that the Decision of the Board cited in the Notice of Abandonment was not received by Applicants'

representatives until after November 6, 2006. (Only after November 6, 2006, Applicants' representative obtained a copy of the Decision of the Board using the Patent Application Information Retrieval (PAIR) database of the U.S. Patent and Trademark Office website.)

The procedures of Morgan, Lewis & Bockius LLP prescribe that all received mail from the U.S. Patent and Trademark Office addressed to Morgan Lewis & Bockius LLP relating to patent matters be delivered to the Patent Support Unit where the mail will be opened and date stamped by the Records Specialists. The procedures further prescribe that the mail will then be docketed by the Docketing Specialists. Review of the application file and the docket records of Applicants' representatives show that no Decision of the Board or other communications having a mailing date of August 25, 2006 was ever received and that no Decision of the Board or other communication having a mailing date of August 25, 2006 was ever docketed. Furthermore, search of the application file and the docket records of Applicants' representatives during a time period from April 10, 2006 to November 3, 2006, indicate that no communication having a mailing date of August 25, 2006, was received from the U.S. Patent and Trademark Office. The docket records indicate that the Notice of Abandonment was received on November 6, 2006. The docket records also indicate that the next most recent docket entry was the receipt of a Docketing Notice received April 10, 2006. In accordance with MPEP 711.03(c), a copy of the docket record where the non-received Office communication would have been entered, had it been received and docketed, is attached hereto.

Thus, Applicants respectfully submit that the Decision of the Board dated August 25, 2006, was not received. If the Decision of the Board was actually mailed by the U.S. Patent and Trademark Office on the date indicated in the Notice of Abandonment, its status is unknown. Since that time, Applicants' representatives have obtained a copy of the Decision of the Board

using the PAIR database. As such, Applicants submit concurrently herewith an RCE and an Amendment which are intended as a reply to the Decision of the Board.

Conclusions

Applicants respectfully request that any holding of abandonment be withdrawn based on failure to receive an Office Action, and that the RCE and Amendment be entered for prosecution to be re-opened. Applicants are filing this petition within two months of receipt of the Notice of Abandonment. Thus, Applicants also respectfully submit that the filing of this petition is timely.

Applicants respectfully submit that no fees are due with the filing of this petition. However, if there are any other fees due in connection with the filing of this petition, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN LEWIS & BOCKIUS LLP

Dated: December 20, 2006

By: 

Robert J. Goodell
Reg. No. 41,040

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Country Application

Tuesday, November 14, 2006

Page: 1

Docket Number: 49128-5006

Country: US

SubCase:

Ctry Sub:

Client: Y. H. Kim International

United States of America

Case Type: ORD

Application Status: Published

Priority Number: P00-26876

Location: WA

Application Number: 09/840,082

Filing Date: 24-Apr-2001

Publication Number: 0046005-A1

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Issue Date:

Parent/PCT Number:

Parent/PCT Date : 19-May-2000

Parent Issue Number:

Parent Issue Date :

Tax Schedule: LE

Expiration Date:

Confirmation #:

Patent Term Adjustment: 0

Owner: LGPHI LG. Philips LCD Co., Ltd.

Agent: LGP

Agent Reference #: F01-065US001

LG Philips LCD Co., Ltd.

Client Reference #: OP1137-LCD-US

App.Title: LIQUID CRYSTAL DISPLAY DEVICE AND FABRICATING METHOD
THEREOF

Inventors:

Family Reference:

Joo-Soo LIM

In B. KANG

Remarks: Notice of Abandonment dated 11/3/06 rcvd 11/6/06;
Board of Patent Appeals & Interferences Docketing Notice rcvd 4/10/06(appeal #2006-1628); Reported 4/18/06;
PTO communication dated 3/15/06 rcvd 3/17/06 re reply brief filed 2/13/06 entered;
Reported 4/18/06;
Reply Brief FILED 2/13/06;
Client fax 2/13/06 re instrs to file reply brief;
Examiner's Answer dated 12/13/05 recd 12/15/05;
Advisory Action dated 12/12/05 recd 12/14/05; Reported w/comments 1/11/06;
Appeal Brief in response to the submitted notice of appeal filed 7/7/05 FILED 10/7/05 with transmittal and 1mo EOT; Reported 10/07/05;
Client fax 10/4/05 instructions to file the appellant's brief;
9/21/05 draft appeal sent to client;
9/7/05 per RG2 taking the 1 EOT;
Notice of Appeal FILED 7/7/05; Reported 7/7/05;
Client instructions to file Notice of Appeal and Forward a Draft of Appeal faxed 7/7/05;
Comments sent 5/11/05;
3-mo Final OA dated 4/7/05 rcvd 4/11/05; Reported 4/15/05; Comments sent 7/6/05;
3-mo OA dated 11/3/04 FILED 2/3/05;
3-mo OA dated 11/3/04 rcvd 11/4/04;
RCE FILED 9/30/04 with 3mo EOT;
Advisory Action dated 7/22/04 rcvdb 7/26/04;

3-mo final OA dated 4/2/04 FILED 7/6/04 with 2mo EOT;
3-mo final OA dated 4/2/04 rcvd 4/5/04;
3-mo OA dated 11/13/03 FILED 2/13/04;
3-mo OA dated 11/13/03 rcvd 5/17/03;
RCE FILED 10/20/03 with 2mo EOT;
3-mo Final OA dated 5/21/03 FILED 8/21/03 with Amendment and Req. for Reconsideration;
3-mo Final OA dated 5/21/03 rcvd 5/27/03;
3-mo OA dated 1/16/03 FILED 4/16/03;
3-mo OA dated 1/16/03 rcvd 1/21/03;
IDS FILED 4/19/02
RA rcvd 7/15/01;
Utility appln FILED 4/24/01 with with spec, drawings, executed docs and IDS;
PD=5/19/00; Instructions for new utility appln rcvd from client 4/18/01 with spec, drawings,
executed docs and IDS;

List Of Actions

| Action(s) Due | Due Date | Action Taken |
|----------------------|-----------------|---------------------|
| PTO - Status Check | 10-Dec-2006 | Reminder |

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